

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED ADDITION (NIKKI BELLAMY-SIMS, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 10-27-03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

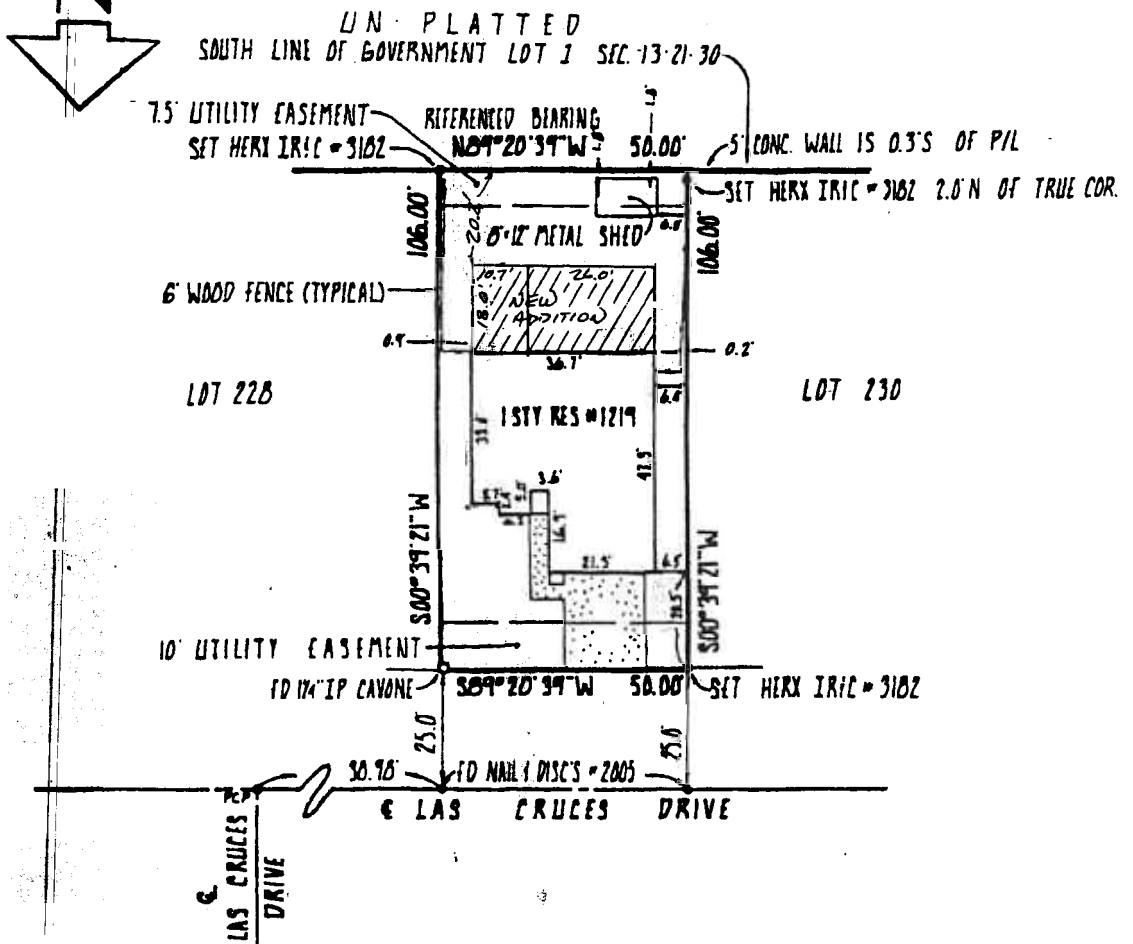
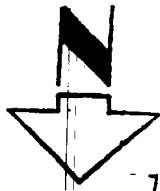
1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED ADDITION (NIKKI BELLAMY-SIMS, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 25 FEET TO 20 FEET FOR A PROPOSED ADDITION (NIKKI BELLAMY-SIMS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 2 – Morris)

(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT: NIKKI BELLAMY-SIMS LOCATION: 1219 LAS CRUCES DRIVE ZONING: PUD (SUN RISE)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A 660.6 SF (36.7 FEET X 18 FEET) ADDITION TO AN EXISTING SINGLE-FAMILY HOME. • THE ADDITION WOULD ENCROACH 5 FEET INTO THE MINIMUM 25 FOOT REAR YARD SETBACK.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES. • THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE PUD DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK THAT EXCEEDS THE LIMITS OF NEIGHBORHOOD DEVELOPMENT TRENDS. • THE APPLICANT COULD REDUCE THE SIZE OF THE

	PROPOSED ADDITION FROM 660.6 SF TO 477.1 SF (36.7 FEET X 13 FEET) AND THEREBY RETAIN REASONABLE USE OF THE PROPERTY FOR THE PURPOSE OF BUILDING AN ADDITION.
STAFF RECOMMENDATION	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS SHOWN ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



- • - DENOTES IRON ROD WITH PLASTIC CAP # 3182
- • - DENOTES FOUND IRON ROD (SEE DRAWING)
- • - DENOTES FOUND CONCRETE MONUMENT (UNLESS DENOTED OTHERWISE)

LEGAL DESCRIPTION: LOT 229 - SUNRISE VILLAGE UNIT 5
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, AT
PAGE(S) 77 OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FL.

SITE PLAN

SCALE: 1" = 30'

ALPINE HOME DESIGN

A. J. CHMIELEWICKI, JR.

LELAND, FL 32779
681-774-2222

SIMS RESIDENCE
1219 LAS CRUCES DR

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: NIKKI G. BELLAMY - S175

COMPLETE MAILING ADDRESS: 1219 LAS CRUCES DR. WINTER SPRINGS, FL

PHONE: WORK: (407) 222-2115 HOME: (407) 695-3362 FAX: 32708

CELL PHONE: (407) 222-2115 Email: NS175@CFL.RR.COM

PROPERTY OWNER OF RECORD: NIKKI G. BELLAMY - S175

SITE OF REQUEST: (see site plan) to back of house on existing home, 2BR + 1BA addition

STATEMENT OF HARDSHIP: due to 25ft setback, ~~allowance~~ addition would not make add'l bedrooms large enough (13ft only), due to design plan

REQUEST Request 5ft variance to make new addition a total of 18ft from existing home (so setback would be 20ft)

LEGAL DESCRIPTION OF PROPERTY: LOT 229, SUNRISE VILLAGE, UNIT 5
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, AT
PAGE 77 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FL

TAX PARCEL ID NO. 13-21-30-510-0000-2290

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE

Rear yard
setback from
25 to 20
feet for
an addition

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: MG Simms DATE: 9/5/03

FOR OFFICE USE ONLY			
FEE: <u>150⁰⁰</u>	CK# <u>1321</u>	RECEIPT# _____	DATE _____
ZONING DISTRICT: <u>PUD</u>			
FURTHER DESCRIBED AS: _____			
LOT SIZE: _____			
PROCESSING:			
A. LEGAL AD TO NEWSPAPER <u>1</u>		B. NOTICE TO PROPERTY OWNERS _____	
C. PLACARDS / NOTICE _____		D. PROJECT NO. <u>03-30000147</u>	
E. BOARD ACTION / DATE _____		F. LETTER TO APPLICANT _____	
G. PUD SETBACKS _____			

INITIAL CONFERENCE N/A

BCC DISTRICT _____

PLANNER _____

FILE NO. BV 2003-144

x Metal Shed in Utility Easement setback
DEV REVIEW FOR DRAINAGE

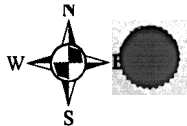
MEETING DATE Oct. 27, 2003

GUI PROJ. #	ZONED: PUD	SEC: 19	TWP: 21	RNG: 31
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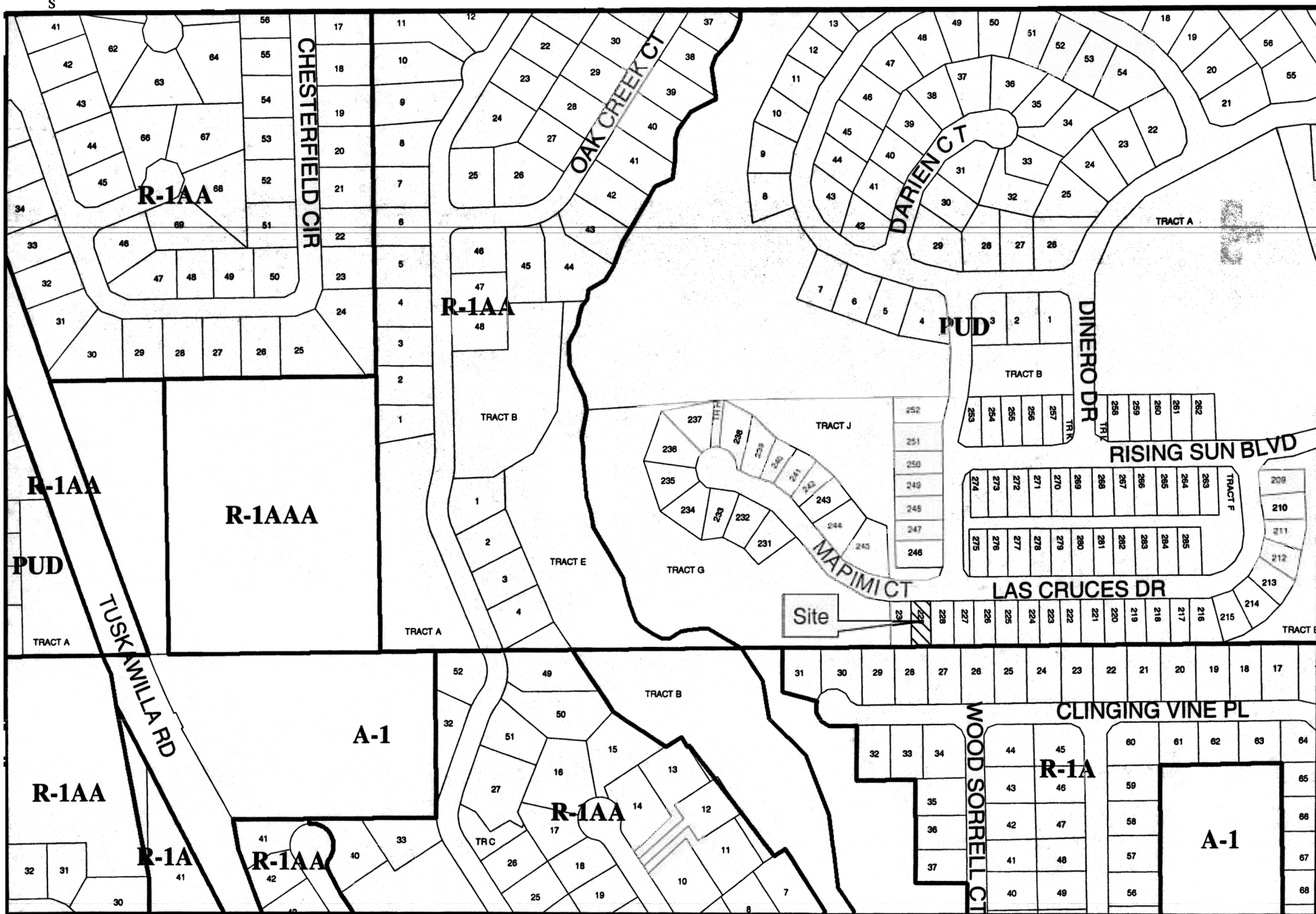
DEVELOPMENT:		Sunrise Village Unit 5				DEVELOPER:		Arden Group					
LOCATION:		20.46 Acres - 45 Lots											
FILE#:		BA:		SP:		BCC:		7/31/84					
P&Z:													
PB	30	PG	77	Lot		Blk		Parcel		DBA		Comm Dist	
DEVEL. ORDER #:				TAX PAR. I.D. #:									
SIDEWALKS:				SETBACK REQUIREMENTS									
				FY:	20'	SIDE ST.:		SY:	0''	RY:	25'		
ROAD TYPE:				MAIN STRUCTURE OTHER:									
COMMENTS OTHER:				Minimum Lot Size: 4,500 sq. ft.									
				Minimum Living Area: 900 sq. ft.									
				Maximum Height: 35'									
				*Minimum of 10' between homes and 2 side setbacks within lot must be a minimum of 10'; if 2' setback on one side, a minimum of 8' required on others.									
				ACCESSORY STRUCTURE SETBACKS:									
				SY:				RY:					
				ACCESSORY STRUCTURE OTHER:									
				SY: 5' and RY: 5' minimum setback for pools.									
				O' side, 5' side, and 5' rear for screen and accessory building.									

		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	
		LAND USE:	
		1. ROAD-CO. WIDE	
		2. ROAD-COLL.	
		3. LIBRARY	
		4. FIRE	\$10.00
		5. PARK	
		6. SCHOOL	\$300.00
		7. LAW	
		8. DRAINAGE	
		TOTAL	
		REMARKS:	

Instructions: print two-sided on card stock and cut along the left and bottom border.



Nikki Bellamy
1219 Las Cruces Drive



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 229 Sunrise Villiage Unit 5 PB 30 PG 70

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: NIKKI BELLAMY SIMS
1219 LAS CRUCES DRIVE
WINTER SPRINGS, FL 32708

Requested Development Approval:

1. Rear yard setback variance from 25 feet to 20 feet for an addition.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The **aforementioned** application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The **conditions** upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the **owner** of the property are as follows:
 - a. The variance granted will apply only to the addition as shown on the attached site plan.
- (4) This **Development Order** touches and concerns the **aforescribed** property and the **conditions**, commitments and provisions of this Development Order shall **perpetually** burden, run with and follow the said property and be a servitude upon and **binding** upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the **said** property has expressly covenanted and agreed to this provision and all **other terms** and provisions of this Development Order.
- (5) The **terms** and provisions of this Order are not severable and in the event any **portion** of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: